

### REMARKS

This amendment is being filed in response to the Office Action having a mailing date of December 12, 2007. Claims 9, 17, and 37 are rewritten in independent form, and various other claims are amended as shown. No new matter has been added. Claims 1, 13, and 32 are canceled herein without prejudice. With this amendment, claims 2-12, 14-31, and 33-43 are pending in the application.

#### I. Preliminary comments

The specification is amended as shown to make a typographical correction.

The present Office Action rejected claims 22-27 under 35 U.S.C. § 101 for allegedly being directed towards non-statutory subject matter. The Examiner provided suggestions on page 3 of the present Office Action as to certain language that may be used to overcome this rejection. The Examiner is thanked for these very helpful suggestions, and claims 22-27 are amended accordingly. It is therefore respectfully submitted that claims 22-27 as amended herewith meet the requirements under 35 U.S.C. § 101, and it is therefore kindly requested that the non-statutory subject matter rejections be withdrawn.

#### II. Allowable subject matter

The present Office Action indicated that claims 9-10, 17, 31, and 37 would be allowable if rewritten in independent form.

The Examiner is thanked for this indication of allowable subject matter.

Accordingly, dependent claim 9 is rewritten in independent form to include the limitations of its base independent claim 1, with claim 1 now canceled herein without prejudice. The claims that previously depended directly or indirectly on claim 1 are amended as shown to change their dependency based on newly independent claim 9 and/or are otherwise amended to more precisely recite the subject matter contained therein.

Dependent claim 17 is rewritten in independent form to include the limitations of its base independent claim 13, with claim 13 now canceled herein without prejudice. The claims that previously depended directly or indirectly on claim 13 are amended as shown to change their

dependency based on newly independent claim 17 and/or are otherwise amended to more precisely recite the subject matter contained therein.

Dependent claim 37 is rewritten in independent form to include the limitations of its base independent claim 32, with claim 32 now canceled herein without prejudice. The claims that previously depended directly or indirectly on claim 32 are amended as shown to change their dependency based on newly independent claim 37 and/or are otherwise amended to more precisely recite the subject matter contained therein.

Independent claim 22 is amended to recite, *inter alia*, a recitation from its dependent claim 26 (“maintaining a level of either one or both of the filtering and smoothing if a difference in level changes exceeds a range”), which generally corresponds to the subject matter of claim 17 indicated to be allowable. Thus, claim 22 is itself now allowable as well. Dependent claims 23-27 are amended to make their language consistent with amended claim 22.

Independent claim 28 is amended to recite, *inter alia*, a recitation from its dependent claim 31 (“determining whether to increase filtering strength based on whether a difference between old and new filtering strengths is within a range”), which was indicated to be allowable. Thus, claim 28 is itself now allowable as well. Dependent claims 29-31 are amended to make their language consistent with amended claim 28 and/or to more precisely recite the function of the means-plus-function elements contained therein.

It is kindly requested that the claims be renumbered appropriately, so that the dependent claims are sequentially numbered subsequent to the newly independent claims in the to-be-issued patent.

### III. Rejections based on cited references

The present Office Action rejected certain claims under 35 U.S.C. § 103(a) on the basis of various references. Given the allowable subject matter as previously discussed and addressed above, it is respectfully submitted that these rejections under 35 U.S.C. § 103(a) are rendered moot.

IV. Conclusion

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the allowable independent claims. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

If the attorney of record (Dennis M. de Guzman) has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact Mr. de Guzman at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,  
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/Dennis M. de Guzman/  

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